

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
 v.) Case No.: 18-0140-01-CR-W-DGK
)
Caesar V. Vaca,)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on August 1, 2018. Defendant Caesar V. Vaca appeared in person and with appointed counsel William Ermine. The United States of America appeared by Assistant United States Attorney William Alford.

I. BACKGROUND

On May 24, 2018, an indictment was returned charging Defendant with one count of Felon in Possession of a Firearm/Ammunition pursuant to 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. William Alford announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is:

Mr. William Ermine announced that he will be the trial counsel for Defendant Caesar Vaca.

III. OUTSTANDING MOTIONS

There is a pending motion for order to sever counts filed by defendant Caesar Vaca. The motion was filed on 7/30/2018. The Government's response is due Monday August 6, 2018, by the close of business.

IV. TRIAL WITNESSES

Mr. Alford announced that the government intends to call thirty witnesses without stipulations or twenty (20) witnesses with stipulations during the trial.

Mr. Ermine announced that Defendant Vaca intends to call four to six (4-6) witnesses during the trial.

Defendant [] will

[x] may

[] will not testify.

V. TRIAL EXHIBITS

Mr. Alford announced that the government will offer approximately fifty (50) exhibits in evidence during the trial.

Mr. Ermine announced that Defendant Vaca will offer approximately zero (0) exhibits in evidence during the trial.

VI. RULE 404(b) EVIDENCE

Mr. Alford announced that the government

[x] will

[] will not

offer 404(b) or res gestae evidence during the trial.

Mr. Ermine announced that Defendant Vaca

[] will

[x] will not

offer 404(b) or res gestae evidence during the trial.

VII. DEFENSES

Mr. Ermine announced that Defendant Vaca will rely on the

[x] defense of general denial.

[] defenses of general denial and

VIII. POSSIBLE DISPOSITION

Mr. Ermine stated this case

[x] is definitely

[] may be

[] negotiating plea agreement

[] considering seeking a continuance on grounds of _____

[] other _____

[] is probably not for trial.

Mr. Alford stated the government

[] had

[x] had not

proposed a plea agreement to the defendant.

IX. STIPULATIONS

Stipulations are likely as to

- chain of custody
- chemist's reports
- prior felony conviction
- interstate nexus of firearm
- Defendant's multiple legally assigned names
- are not likely**
- are not appropriate in this case.**

X. TRIAL TIME

Counsel were in agreement that this case will take approximately 4 days to try.

XI. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That counsel for each party file and serve a **list of exhibits** he/she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by **August 6, 2018**;

That counsel for each party file and serve requested jury **voir dire** examination questions by or before noon, **August 14, 2018**;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested **jury instructions** by or before noon, **August 14, 2018**. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

That counsel for each party file all **signed stipulations** by or before noon, **August 10, 2018**.

XII. UNUSUAL QUESTIONS OF LAW

- No motions in limine are anticipated.
- Motions in limine on the following issues will probably be filed: 1) criminal

histories of Government witnesses

[X] There are no unusual questions of law.

[] _____

XIII. TRIAL SETTING

All counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on August 20, 2018.

[] A _____-speaking interpreter is required.

[] Other assistive devices:

/Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
August 1, 2018